Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

24 July 2014

English only

2014 Meeting
Geneva, 1-5 December 2014

Meeting of Experts
Geneva, 4-8 August 2014
Item 8 of the provisional agenda
Biennial item: how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties

Focusing Efforts to Strengthen Article VII: A proposed agenda for international cooperation and assistance in preparing for and responding to biological incidents

Submitted by the United States of America

1. At the 2011 BWC Review Conference, the States Parties to the Biological and Toxins Weapons Convention (BWC) agreed to discuss "How to strengthen implementation of Article VII" at the 2014 and 2015 intersessional meetings. Article VII, which has never been invoked, commits all States Parties to "provide or support assistance … to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention."

2. As we have noted in previous national papers (BWC/MSP/2013/MPX/WP.6 and BWC/MSP/2013/WP.2), timely response to a biological incident is critical in order to prevent morbidity and mortality, and in mounting an effective early response, the origin of the event - be it deliberate, accidental or natural - may not yet be known. Thus efforts to strengthen implementation of Article VII should focus, first and foremost, on how to ensure efficient, effective response to an outbreak at the earliest possible point, and ensuring that transition to formal activation of Article VII provisions is seamless and complementary to any ongoing public health or animal health response. This is consistent with the importance placed by the Review Conference on "ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plant or the environment." Although a deliberate biological weapons incident poses additional challenges (for example, evidentiary, chain-of-custody, and security considerations), it is undergirded by public/animal health and emergency response capabilities, on the part of both donor and recipient, that are largely required for both intentional and naturally-occurring events.

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3. Since the 2011 BWC Review Conference, the United States and other governments have sought to stimulate discussion on how to improve preparedness for and response to an Article VII event. Several States Parties have submitted working papers and hosted side events to highlight national efforts to plan for and organize response to biological incidents; showcase the work being done by an array of international organizations, both in humanitarian disaster response as well as efforts directly in support of biological incidents; and identify a series of challenges to and opportunities for the provision and acceptance of international assistance during public health emergencies. These papers and events have described lessons learned from natural disaster response in the United States., other States' efforts to address impediments to international assistance, and the planning processes and challenges experienced by international organizations in providing assistance during public health emergencies.

4. This paper advocates that BWC member States agree on an agenda to strengthen implementation of Article VII by selecting issue areas where the BWC forum can complement other global efforts and make real progress towards improving preparedness and response to biological incidents. Other international agreements, initiatives, and organizations are committed to enhancing preparedness and response efforts for humanitarian disasters and public health emergencies. Multiple international organizations regularly engage in response to humanitarian disasters, including the United Nations Children's Fund (UNICEF), World Food Programme (WFP), United Nations High Commissioner for Refugees (UNHCR), Food and Agricultural Organization (FAO), Office for the Coordination of Humanitarian Affairs (OCHA), International Organization for Migration (IOM), the World Health Organization (WHO), and the World Organization for Animal Health (OIE). These organizations work with the Red Cross and Red Crescent Societies, the International Committee of the Red Cross (ICRC), and a host of other nongovernmental organizations, all of which focus on a range of assistance related to humanitarian disaster response, including provision of medical care, food, and shelter. Additionally, the International Health Regulations (2005) obligate nations to develop capacity to respond to public health emergencies of international concern, and the new Global Health Security Agenda identifies building the capacity of all nations to respond to human/animal infectious disease events as a core purpose.

5. Given the range of activities and efforts related to preparedness and response, it is important for the BWC forum to capitalize on what has already has been accomplished by other international entities, to seek their advice and input on these issues, and to focus on a set of discrete issues that are not sufficiently addressed and that have direct bearing on BWC Parties' ability to provide and receive assistance in the event of a biological incident. To that end, we propose that States Parties focus on the following agenda for strengthening Article VII:

Public Health Emergency Medical Countermeasures (MCMs)

- Improve global access to MCMs during responses to public health emergencies through the development of bilateral, regional and global frameworks for the international deployment of medical countermeasures, consistent with the International Health Regulations (2005) and aligned with the objectives of the Global Health Security Agenda. These frameworks should address legal, regulatory, logistical, and funding challenges, including developing terms and conditions for deployment of MCMs that include liability arrangements; ensuring rapid regulatory approval to export, import and use MCMs in an emergency; and identifying or developing rapid funding options to purchase and transport MCMs and ancillary supplies (needles, syringes, etc.).

- Support WHO and other international partners in the development of adapted prequalification processes, or other regulatory mechanisms, to facilitate the import, distribution and use of emergency public health MCMs internationally.
- Explore bilateral, regional and multilateral opportunities for joint development and/or procurement of public health emergency MCMs, considering existing models such as Joint Procurement Agreement for MCMs in the European Union and the Pan American Health Organization Revolving Fund.
- Encourage review of the WHO Essential Medicine list to evaluate whether the MCMs on the list sufficiently address the need for WHO Member States to be prepared for known BW agents.

Public Health, Medical, and Veterinary Personnel

- Develop and strengthen bilateral, regional and global frameworks and tools to facilitate the international deployment of public health, medical, and veterinary personnel in response to international public and animal health emergencies. For example, this might be done by exploring ways to support ongoing initiatives such as the WHO Global Health Cluster's Foreign Medical Team (FMT) Working Group and WHO Regional Office efforts to develop guidelines, registries, and processes to facilitate the international deployment of medical and veterinary personnel during disasters. These frameworks and tools should address the legal, regulatory, logistical, and funding challenges to the international deployment of public health, medical, and veterinary personnel, including obtaining legal liability protections for responders, rapidly recognizing responders' professional licenses, and expediting customs and immigration procedures among other challenges.

Code on Rights and Responsibilities

- Develop a code for States Parties on rights and responsibilities for providing and receiving support in response to a biological emergency.

6. The proposed agenda for strengthening Article VII could begin this year, but to make real progress, States Parties would need to commit to a continued program of work that might extend over multiple years. Some of this work could be conducted within the BWC intersessional process, including discussion around improving access to medical countermeasures and how the BWC States Parties might support the FMT Initiative to strengthen Article VII. Other activities should be conducted in outside forums, such as reviewing the WHO Essential Medicine List, which will require participants to have specific expertise. States Parties should prioritize the development of internal capacities to respond efficiently and effectively to biological emergencies, while pursuing multilateral arrangements and agreements to facilitate external assistance during crises. The United States looks forward to working with States Parties and others to promote the development of capacities and frameworks to increase the speed and efficacy of international responses to biological incidents.